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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,844	03/30/2004	Jonathan J. Hull	20412-08497	6502
758	7590	07/05/2007		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER STEVENS, ROBERT	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 07/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,844

Applicant(s)

HULL ET AL.

Examiner

Robert Stevens

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 10-22, 25, 27-31, 33-42, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10-22, 25, 27-31, 33-42 and 44-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20070202, 20070427</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Office withdraws the previous rejections of the claims under 35 USC §§101, 112-2nd paragraph and 103(a), in light of the amendment. However, the Office sets forth new rejections of the claims under 35 USC §§112-2nd paragraph and 103(a), in light of the amendment.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments concerning the previous rejections of the claims under 35 USC 101 and 112-2nd paragraph have been rendered moot by the amendments.

Applicants arguments concerning the previous rejections of the claims under 35 USC 103(a) appear to be directed to the amended claim language. Much of this language was cited as being taught by an additional reference, which was not before the Applicant. Thus the arguments are deemed moot in view of the new ground(s) of rejection.

For at least these reasons, the Office asserts the rejections of the claims as set forth below.

Specification

3. The disclosure is objected to because of the following informalities: The Abstract appears to be missing a comma (",") between the words "applause" and "speech" in line 5. Please review and correct all grammatical/spelling/etc. errors throughout the disclosure, including the specification, drawings and claims. Appropriate correction is required.

Claim Objections

4. **Claim 8 is objected to** because of the following informalities: Claim 8 line 2 appears to be missing a word between "on" and "document". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-22, 30-31 and 35-38 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are vague and ambiguous, and thus, their scope is indeterminable.

Regarding claim 1: Line 11 refers to printing "the **formatted** media representation", but line 13 refers to the printer displaying "the media representation". It is unclear what is intended to be printed. Thus the scope of the claim is vague and ambiguous.

Claims 2-6, 8 and 10-22 depend upon claim 1, and are therefore likewise rejected.

Regarding claim 30: This claim recites a dependency upon cancelled claim 26. Its scope is thus vague and ambiguous. For the purpose of further examination, this claim will be interpreted as if it were dependent upon claim 25.

Claims 31 and 35-38 depend upon claim 30, and are therefore likewise rejected.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-6, 8, 10-22, 25, 27-31, 33-42 and 44-45 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Sekiguchi et al. (US Patent No. 6,611,628, filed Nov. 17, 2000 and issued Aug. 26, 2003, hereafter referred to as "Sekiguchi") in view of Kanevsky et al. (US Patent No. 6,687,383, filed Nov. 9, 1999 and issued Feb. 3, 2004, hereafter referred to as "Kanevsky") and Uchihachi et al. (US Patent No. 6,535,639, filed Mar. 12, 1999 and issued Mar. 18, 2003, hereafter referred to as "Uchihachi").

Regarding independent claim 1: Sekiguchi teaches ***A computer system for generating a representation of time-based media***, (See Sekiguchi Abstract discussing the generation of a feature stream for video data.) ***the system comprising: a feature extraction module for extracting features from media content;*** (See Sekiguchi Abstract, discussing feature extraction.) ***and generating a media representation representing the features extracted;*** (See Sekiguchi Fig. 5 #ST8 teaching the generation of a reduced image from extracted segment #ST2 and coded feature #ST6) ***and a formatting module for formatting the media representation generated, the formatting module being communicatively coupled to the feature extraction module to apply features extracted to the media representation,*** (See Sekiguchi column 2 lines 55-60, discussing the generation of a feature stream.)

However, Sekiguchi does not explicitly teach the further limitations as claimed. Kanevsky, though, discloses ***wherein the formatting module formats the representation according to a representation specification.*** (See Kanevsky Figure 3

#35 "constraints" in the context of column 4 lines 2-11 discussing representation constraints.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Kanevsky for the benefit of Sekiguchi, because to do so provided a mechanism for hardcopy printing of multimedia data, as taught by Kanevsky in the Abstract. These references were all applicable to the same field of endeavor, i.e., multimedia encoding.

Additionally, Sekiguchi does not explicitly teach the further limitations as claimed. Uchihachi, though, discloses ***and a printer for printing the formatted media representation, the printer being communicatively coupled to the formatting module to receive instructions for printing a document displaying the media representation, the document including user selectable identifiers representing the features extracted from the media content for selection by a user to play media content segments of a defined length associated with each of the features.*** (See Uchihachi Fig. 8 and col. 9 lines 37-52, teaching the scanning of glyph codes on printed paper to enable a user to select video playback from an extraction point, for example.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Uchihachi for the benefit of Sekiguchi in view of Kanevsky, because to do so provided alternative interfaces (i.e., hardcopy or electronic) for access to summarizations of multimedia data, as taught by Uchihachi in col. 2 lines

53-60. These references were all applicable to the same field of endeavor, i.e., multimedia encoding.

Regarding claim 2: Sekiguchi discloses *wherein the feature extraction module further comprises content recognition software for recognizing features in the media content.* (See Sekiguchi column 3 lines 17-23, discussing object recognition.)

Regarding claims 3-4: Sekiguchi does not explicitly teach these limitations as claimed. Kanevsky, though, discloses output device driver interface and output device console. (See Kanevsky Figure 3 #80 print means in context of column 6 lines 5-6, discuss a printer output device, it being inherent/implicit that a device driver was necessary for the printer to work as intended.)

Regarding claim 5: Sekiguchi discloses *wherein the feature extraction module is further adapted to generate the media representation in digital format.* (See Sekiguchi column 4 lines 34-49, discussing generations and storage of a feature stream.)

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Regarding claim 6: Sekiguchi does not explicitly teach these limitations as claimed. Kanevsky, though, discloses *wherein the feature extraction module is further adapted to generate the media representation in paper.* (See Kanevsky Figure 3 #80 in the context of column 4 lines 20-22, disclosing printing out a "hardcopy".)

Regarding claims 11-12: Sekiguchi discloses *wherein the graphical representation is a representation of audio content is displayed on an audio waveform timeline.* (See Sekiguchi Figure 9 in the context of column 9 lines 43-46 teaching video content displayed along a timeline, it having been an obvious variant to one skilled in the art at the time of the invention as to what time-based data one displayed.)

Regarding claims 13-16: Sekiguchi discloses the use of timeline markers corresponding to media/audio content and having associated text/timestamp information (See Sekiguchi Figure 9 in the context of column 9 lines 43-46 teaching video content displayed along a timeline, it having been an obvious variant to one skilled in the art at the time of the invention as to what time-based data one displayed. Also see Sekiguchi column 13 lines 3-20, discussing the use of segment identifiers.)

Regarding claim 17: Sekiguchi discloses *wherein the media representation includes a header describing the media content*. (See Sekiguchi column 11 lines 27-30, discussing the use of header information.)

Regarding claim 18: Sekiguchi does not explicitly teach this limitation as claimed. Kanevsky, though, discloses *wherein the feature extraction module is further adapted to generate the media representation is generated according to format specifications included in a data structure*. (See Kanevsky Figure 3 #35 "constraints" in the context of column 4 lines 2-11 discussing representation constraints. It was implied that such constraints are data used by the system of Kanevsky, and that such data must be structured in order to be processed.)

Regarding claims 19-20: Sekiguchi does not explicitly teach these limitations as claimed. Kanevsky, though, discloses the use of fields for specifying format and content. (See Kanevsky column 7 lines 45-52, discussing the use of tags and URLs as content indicators and XSL for formatting purposes.)

Regarding claim 21: Sekiguchi discloses the use of timeline markers corresponding to media/audio content and having associated text/timestamp information (See Sekiguchi Figure 9 in the context of column 9 lines 43-46 teaching video content displayed along a timeline, it having been an obvious variant to one skilled in the art at

the time of the invention as to what time-based data one displayed. Also see Sekiguchi column 13 lines 3-20, discussing the use of segment identifiers.)

Regarding claim 22: Sekiguchi discloses *wherein the format specifications included in the data structure comprise a number of user-definable fields specifying the feature extraction techniques applied to the media content.* (See Sekiguchi column 6 line 65 – column 7 line 6, discussing user interaction in the generation of a feature stream.)

Independent claim 25 is substantially directed to a method implemented by the system elements of claim 1. As such, this claim is substantially similar to claim 1, and therefore likewise rejected.

Regarding claim 27: Sekiguchi discloses *wherein extracting features of media content further comprises performing keyword searching on the media data content.* (See Sekiguchi column 6 lines 14-25, teaching keyword searching.)

Regarding claim 28: Sekiguchi does not explicitly teach this limitation as claimed. Kanevsky, though, discloses speaker recognition. (See Kanevsky column 7 lines 53-62, discussing speaker verification/identification.)

Regarding claim 29: Sekiguchi discloses *wherein extracting features of media content further comprises performing event detection on the media data content*. (See Sekiguchi column 3 lines 9-12, teaching the use of “movement information”.)

Claims 30 and 31 are substantially similar to claims 11 and 12, respectively, and therefore likewise rejected.

Regarding claims 35-38: Sekiguchi discloses the use of timeline markers corresponding to media/audio content and having associated text/timestamp information (See Sekiguchi Figure 9 in the context of column 9 lines 43-46 teaching video content displayed along a timeline, it having been an obvious variant to one skilled in the art at the time of the invention as to what time-based data one displayed. Also see Sekiguchi column 13 lines 3-20, discussing the use of segment identifiers.)

Claims 39, 40 and 41 are substantially similar to claims 17, 5 and 6, respectively, and therefore likewise rejected.

Regarding claim 42: Sekiguchi does not explicitly teach this limitation as claimed. Kanevsky, though, discloses *wherein formatting the representation according to a representation specification further comprises defining the format of a media representation using a data structure with format specifications.* (See Kanevsky Figure 3 #35 "constraints", in the context of column 4 lines 2-11 discussing representation constraints.)

Regarding claims 8, 10, 33-34 and 44-45: Sekiguchi does not explicitly teach these the use of bar codes as user selectable identifiers. Uchihachi, though, discloses the use of barcodes on media representation (See Uchihachi Fig. 8 and col. 9 lines 37-52, teaching the scanning of glyph codes on printed paper to enable a user to select video playback from an extraction point, for example.)

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Non-Patent Literature

Stifelman, Lisa, et al., "The Audio Notebook", SIGCHI 2001, Vol. 3, Issue 1, Seattle, WA, Mar. 31 – Apr. 5, 2001, pp. 182-189.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Stevens whose telephone number is (571) 272-4102. The examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert Stevens
Examiner
Art Unit 2162

June 20, 2007


SHAHID ALAM
PRIMARY EXAMINER